THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.23993 OF 2005

Dated 23-11- 2005

Between:

N.Ramana Reddy,

…Petitioner

A n d

Secretary, Regional Transport Authority,

Nellore, and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.23993 OF 2005

ORDER:

The petitioner is granted a permit on town service route from Thirumalapudi to Naidupet, *via* certain places. He complains that the 2nd respndent is restricting entry of the Bus into the town, and thereby, depriving the petitioner of his right to ply, on a substantial portion of the route.

The 2nd respondent filed a counter affidavit. It is stated that representations have been received from local residents to the effect that, on account of indiscriminate plying of heavy vehicles in the town, traffic congestion is taking place and the safety of the residents is at stake.

Heard the learend counsel for the petitioner, learned Government Pleader for Transport, and learned Government Pleader for Home.

The route on which, the petitioner is permitted to ply the bus is identified by the concerend officials of the Transport Department. The 2nd respondent has taken certain measures, to relieve the traffic congestion in the town. Learned counsel for the petitioner submits that the Bus of the petitioner is not entering in by-lanes, and that it has to pass through a way, which was, hitherto part of State Highway. He contends that all possible precautionary measures can be taken, to relieve the traffic congestion.

The 2nd respndent made an effort to relieve the traffic congestion. No exception can be taken to such measures. At the same time, the right to ply the Bus, particularly, which is meant to serve the needs of travelling public, within the town, cannot be restricted. Such a measure may amount to defeating the very purpose of granting permits on the town service routes. If the Bus is plying on the road, which hitherto used to be part of State Highway, the 2nd respondent can permit the plying of the bus, if necessary by restricting the entry of other heavy vehicles.

For the foregoing reasons, the writ petition is disposed of, directing that the petitioner shall be entitled to ply on such portion of the route, passing through Naidupet town, which hitherto part of State Highway. It shall be open to the 2nd respondent to place the traffic restrictions, as regards the entry of other heavy vehicles, even in respect of such routes. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.23-11-2005.

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